


MEMORANDUM

COUNTY OF LOUDOUN

DATE: December 8, 2005

TO: Department and Agency Heads 

FROM: Kirby M. Bowers, County Administrator

SUBJ: Action Report of the December 7, 2005 Reconvened Board of Supervisors' Meeting

Listed below is a summary report of the Board's action taken at its December 7, 2005 reconvened meeting. On items requiring follow-up, the staff person responsible is noted. Please work with your staff to follow through on the Board action as noted.

NOTE: The Board recessed the meeting until December 10, 2005 at 9:00 a.m., Board Room

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6. CPAM 2005-0005, DOAM 2005-0003, ZOAM 2005-0002 / INITIATION OF RURAL ZONING DISTRICTS ORDINANCE AND MAP AND RELATED AMENDMENTS TO THE COMPREHENSIVE PLAN AND LAND SUBDIVISION AND DEVELOPMENT ORDINANCE
- Mr. Burton moved that the Board of Supervisors enter into a Committee of the Whole discussion (6-0-3, Supervisors Waters, Delgaudio and Tulloch absent for the vote).

Issues Requiring Board Decision:

1. Minimum Lot Size Issue
- The proposed draft calls for a minimum lot size of two acres (80,000 square feet) for all residential lots within the Principal/Subordinate and Cluster subdivision options.
- Supervisor Burton moved that the Board of Supervisors support Option D, one (1) acre on cluster, two (2) acres on Principal/Subordinate (Seconded by Supervisor Clem. The motion passed 5-1-3; Supervisor Staton voted no, Supervisors Waters, Delgaudio, and Tulloch absent for the vote).

2. Well and Septic Approval

The proposed draft requires Health Department review and approval of drain field sites and water supply (wells) prior to approval of all application types. The current practice in the rural areas has been to require the approval of drain field sites with all applications

Chairman York moved that the Board of Supervisors support Option B, support the draft language to require both the on-site water supply and individual sewage disposal systems approved by the Health Department prior to the recordation of the subdivision. Recordation of the subdivision is the final step in the governmental process prior to a property owner requesting a building permit. (Seconded by Supervisor Burton. The motion passed 5-2-2, Supervisors Snow and Delgaudio voted no, Supervisors Waters and Tulloch absent for the vote).

3. Deletion of the Family Subdivision Provision

Chairman York moved that the Board of Supervisors support Option A, maintain the option of Family Subdivision (Seconded by Supervisor Burton. The motion passed 8-0-1, Supervisor Waters absent for the vote).

Supervisor Staton gave direction to Staff to bring the previously proposed Zoning Ordinance and LSDO amendment language to the December 10<sup>th</sup> Worksession for discussion.

4. Open Space Easement

The staff has identified that it would be impossible to require open space easements with the Principal/Subordinate subdivision option because lots could be created one at a time, as it would not be known with specificity where the ultimate open space would be located. The staff draft does not include a requirement for the mandatory provision of open space to achieve the percentage of open space recommended in the Board's proposal.

Vice Chairman Tulloch moved that the Board of Supervisors support Option A, do not require a mandatory open space easement in any of the subdivision options (Base Density, Principal/Subordinate, or Cluster). (Seconded by Supervisor Snow. The motion passed 7-1-1, Supervisor Burton voted no and Supervisor Waters absent for the vote).

5. Perimeter Setback

The draft includes a requirement for a 100 ft. perimeter setback to be located along the perimeter of the original tract. The purpose of this

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setback is to provide a protected area between the development of residential uses and existing rural uses.

Supervisor Burton moved that the Board of Supervisors support the ZORC language on perimeter setback. (Seconded by Supervisor Delgaudio. The motion passed 6-2-1; Supervisors Kurtz and Staton voted no, and Supervisor Waters absent for the vote).

Pat Quante, ZORC Vice Chairman, clarified that ZORC recommended the 100 ft. setback for residential structures for the cluster subdivision only.

Re-vote taken:

Vice Chairman Tulloch moved that the Board of Supervisors support the ZORC recommendation, dealing with cluster subdivision option (Seconded by Supervisor Burton. The motion passed 7-1-1, Supervisor Staton voted no and Supervisors Waters absent for the vote). Mr. Burton clarified that this did not apply to the property line adjacent to the right-of-way.

6. Location of Water and Sewer Facilities Within Common Open Space  
The staff draft requires that individual lots be served with water and sewer facilities to be located on the lot serviced. Communal systems are permitted within common open space for cluster developments.

Vice Chairman Tulloch moved that the Board of Supervisors support Option C, allow for a maximum of 70% of the cluster lots to locate the individual sewer facilities within common open space. (Seconded by Supervisor Snow. The motion passed 7-1-1, Supervisor Staton voted no and Supervisor Waters absent for the vote).

7. Zoning Ordinance Review Committee (ZORC) Recommendations for Uses, Performance Standards and Special Events Revisions  
The staff did not prepare draft language regarding Uses / Additional Regulations for specific uses as recommended by the ZORC and REDC. This was due to the fact that the Board Option #1 did not address changes to the use list.

Chairman York moved that the Board of Supervisors support Option A, direct staff to include the ZORC recommendations regarding Uses, Performance Standards (Section 5-600) and Special Event (Section 5-500) in the advertised amendments. (Seconded by Vice Chairman Tulloch. The motion passed 8-0-1, Supervisor Waters absent for the vote).

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8. Densities as outlined in the Board of Supervisors Option #1 approved July 21, 2005  
Chairman York moved that the Board of Supervisors approve Option A, re-affirm the densities and rezoning option as identified in Option #1 (Seconded by Supervisor Burton. The motion passed 5-2-1-1; Supervisors Delgaudio and Staton voted no, Supervisor Snow abstained, and Supervisor Waters absent for the vote).

Board Comments and Other Actions:

- Supervisor Burton raised the issue of Transfer of Development Rights (TDRs) and expressed his wish to have a continued discussion. Vice Chairman Tulloch advised that he would schedule a Committee of the Whole regarding this issue at some point in the future.
  - Chairman York requested Board members to write their comments and forward copies to Staff and Board members before the meeting on Saturday, December 10.
  - Items contained in Supervisor Waters' memorandum dated December 7, 2005 were raised: (1) Comprehensive Plan Issues--Ms. Waters can get together with staff on the editorial changes. This was agreed to by consensus of the Board of Supervisors. (2) Base Density in the Rural Policy Area for rezonings—this issue should be discussed on Saturday, December 10.
  - On the item of density credit on major floodplain, Ms. Waters concurred with ZORC, per her memorandum.
  - Bob Gordon, ZORC Chairman, noted that ZORC recommended density credit be provided for major floodplain in that the entire parcel acreage, including major floodplain, would be used to determine maximum lot yield. The minimum lot size requirement would be exclusive of major floodplain.
- Vice Chairman Tulloch moved that the Board of Supervisors support the ZORC language (Seconded by Chairman York. The motion passed 7-0-2, (Supervisor Waters and Clem absent for the vote.)
- Supervisor Staton raised the following issues:
    1. 15-acre minimum rural economy lot

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2. Limiting of uses on rezoning lot
3. Limestone Overlay District (LOD)
4. Process for minor rezoning
5. Accessory dwellings on lots

Mr. Staton will write up these issues and forward to Linda Neri, Deputy County Administrator

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7. PROPOSED PUBLIC PROCESS / DRAFT AMENDMENTS TO THE COMPREHENSIVE PLAN, THE ZONING ORDINANCE AND THE SUBDIVISION ORDINANCE IN ORDER TO IMPLEMENT WESTERN ZONING OPTION #1

Chairman York moved that the Board of Supervisors opt for Option C, Joint Public Hearing with the Planning Commission (Seconded by Supervisor Burton. This motion did not receive a vote).

Vice Chairman Tulloch made a substitute motion and moved that the Board of Supervisor opt for Option A, Traditional Approach (Seconded by Supervisor Staton. The motion passed 5-3-1; Supervisors York, Kurtz, and Burton voted no and Supervisor Waters absent for the vote).

cc: Planning Commission  
Board of Supervisors

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